

REMARKS:

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of October 28, 2008. Claims 1-14 remain pending, with claim 1 being an independent claim. By this Amendment, Applicants have amended claims 1.

Applicants believe that none of the amendments introduce new matter. Claims 1-14 remain in this application and are believed to be in proper condition for allowance. Review and consideration of the claims are respectfully requested.

Rejection of claims 1-14 under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 112 as having insufficient antecedent basis for the limitation "the memory source" in line 9 of the claim. The Examiner also rejected claims 2-14 for dependency upon rejected base claim 1.

In response, Applicants have amended claim 1 to replace "the memory source" with "the portable memory source." Therefore, Applicants respectfully assert that amended independent claim 1 and claims 2-14 which depend from claim 1 are in proper condition for allowance and respectfully request the Examiner withdraw his rejection.

Rejection of claims 1-2, 6-7, and 11-14 under 35 U.S.C. § 102(e)

In the Office Action, the Examiner rejected claims 1-2, 6-7, and 11-14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication 2004/0093592 A1 to Rao ("Rao"). In response Applicants respectfully submit that the claims are allowable based upon the following:

Amended independent claim 1 is directed to a method of updating firmware of an imaging device having a first communication port connectable with a computer or network for receiving information and a second communication port for reading information from a portable memory source which requires, *inter alia*, updating the stored firmware of the imaging device with at least one of the files stored on the portable memory source. Rao discloses a SIM card having an update package reference storage area that stores metadata information, associated with an update

package downloaded to the electronic device. (See Fig. 1; paragraph [0020]). During a reboot of the electronic device, the update agent is invoked to determine whether an update of the firmware/software in the electronic device is available. (See *Rao*, paragraph [0022]). If the update agent 125 determines from the metadata information in the update package reference storage area that an update of the firmware/software of the electronic device is available, the update agent accesses “the update package in the memory 133 of the electronic device 109 using addresses and/or references provided in the update package reference storage area 127.” (emphasis added) (See *Rao*, paragraph [0022]). The update agent then applies “one or more update packages to the firmware/software of the electronic device.” (See paragraph [0028] of *Rao*). The firmware of the electronic device in *Rao* is being updated by the update packages stored in the electronic device or in the distribution server or (See paragraph [0018]).

Thus, unlike Applicants’ claimed invention where the actual firmware update file is stored in the portable memory device, in *Rao* only metadata that provides an address and/or reference to the update package (i.e., data used in the update process, not the update file itself) is present on the SIM card.

Additionally, *Rao* also fails to disclose or suggest that the electronic device that is being updated is an imaging device as in the claimed invention.

Thus, Applicants respectfully submit that for at least these reasons, independent claim 1, as well as claims 2-13 which depend therefrom, are unanticipated by and allowable over *Rao*.

Some of the dependent claims also have other elements or limitations that further distinguish them over the art of record. For example, dependent claim 7 requires that the files are files containing only firmware updates. *Rao* discloses that the update package reference storage area of the SIM card comprises a 16-byte space where metadata information associated with an update package downloaded to the electronic device is stored. (See paragraph [0020]). Thus, as noted above *Rao* fails to teach that the metadata information (files stored in the portable memory device) contains the firmware update as in the claimed invention, and Applicants respectfully submit that claim 7 is allowable for this additional reason.

Rejections of claims 3-5 and 8-10 under 35 U.S.C. § 103(a)

The Examiner has rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Rao in view of U.S. Patent Number 7,222,339 to Rothman et al. (“*Rothman*”). As discussed above, with respect to element in independent claim 1, Rao fails to disclose or suggest the claimed invention, and Rothman fails to cure the defects therein. Thus, the combination of the two references cannot disclose or suggest the claimed invention, and claim 3 which depend from independent claim 1 is also allowable for at least the same reasons as independent claim 1.

The Examiner has rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Rao in view of U.S. Patent Number 6,360,362 to Fichtner et al. (“*Fichtner*”). As discussed above, with respect to element in independent claim 1, *Rao* fails to disclose or suggest the claimed invention, and *Fichtner* fails to cure the defects therein. Thus, the combination of the two references cannot disclose or suggest the claimed invention, and claim 4 which depend from independent claim 1 is also allowable for at least the same reasons as independent claim 1.

The Examiner has rejected claims 5 and 8 under 35 U.S.C. § 103(a) as being unpatentable over *Rao* in view of U.S. Patent Publication Number 2004/0061728 A1 to Parry et al. (“*Parry*”). As discussed above, with respect to element in independent claim 1, Rao fails to disclose or suggest the claimed invention, and Parry fails to cure the defects therein. Thus, the combination of the two references cannot disclose or suggest the claimed invention, and claims 5 and 8 which depend from independent claim 1 is also allowable for at least the same reasons as independent claim 1.

The Examiner has rejected claim 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over *Rao* in view of *Parry* and U.S. Patent Number 6,535,229 to Kraft (“*Kraft*”). As discussed above, with respect to element in independent claim 1, *Rao* fails to disclose or suggest the claimed invention, and *Parry* in view of *Kraft* fail to cure the defects therein. Thus, the combination of the three references cannot disclose or suggest the claimed invention, and claims 9 and 10 which depend from independent claim 1 is also allowable for at least the same reasons as independent claim 1.

Conclusion

For the foregoing reasons, Applicants respectfully submit that no cited reference, alone or in combination with other cited references, teaches, discloses, or suggests the subject matter of the pending claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone or email the undersigned using the contact information provided below.

Respectfully submitted,

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